

As a below named joint inventor, each of us hereby declares as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR CELL DISRUPTION

the specification of which is identified with Attorney Docket No. 22660-0027. I have reviewed and understand the contents of the above-identified specification, including the claims.

This application [in part] discloses and claims subject matter disclosed in my earlier filed provisional application Ser. No. 60/136,703 filed May 28, 1999 and U.S. application Ser. No. 09/469,724 filed December 21, 1999 of which I claim the benefit under 35 USC §120 [or 119(e)].

I acknowledge the duty to disclose information of which I am aware that is material to the examination of this application in accordance with 37 CFR §1.56(a), including material information which occurred between the filing date of said prior application and the filing date of this [continuation-in-part] application, insofar as the subject matter of the claims is not disclosed in said prior application in the manner provided by 35 USC §112, first paragraph.

That, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe: that this invention was ever known or used in the United States of America before our invention thereof; that this invention was patented or described in any printed publication in any country before our invention thereof or more than one year prior to said application; that this invention was in public use or on sale in the United States of America more than one year prior to said application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to said application by me or my legal representatives or assigns.

That, as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe: that this invention was ever known or used in the United States of America before our invention thereof; that this invention was patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application; that this invention was in public use or on sale in the United States of America more than one year prior to this application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I hereby appoint the following to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

William B. Anderson, Registration No. 41,595
Y. P. Chow, Registration No. 30,740
Robert F. Dennis, Registration No. 40,988
Derek P. Freyberg, Registration No. 29,250
Walter Kurz, Registration No. 37,373
Edward Lynch, Registration No. 24,422
Priscilla H. Mark, Registration No. 41,970
William Schmonsees, Registration No. 31,796
Herwig von Morzé, Registration No. 29,484
Mark B. Floyd, Registration No. 41,022

Direct all telephone calls to: William Schmonsees at (650) 324-7041
Address all written correspondence to:

Heller Ehrman White & McAuliffe
525 University Avenue
Palo Alto, CA 94301-1900.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

FIRST JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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Michael T. Taylor

RESIDENCE

CITIZENSHIP

6304 Buena Vista Dr. #C
Newark, CA 94560

USA

SECOND JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
-----------------------	----------------------	------

Phillip Belgrader

RESIDENCE

CITIZENSHIP

719 Pebble Way
Manteca, CA 94336

USA

THIRD JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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Farzad Pourahmadi

RESIDENCE

CITIZENSHIP

41013 Pajaro Drive
Fremont, CA 94539

USA

FOURTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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William A. McMillan

RESIDENCE

CITIZENSHIP

8051 Presidio Drive
Cupertino, CA 95014

USA

FIFTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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Ronald Chang

RESIDENCE

CITIZENSHIP

3312 Hoover Street
Redwood City, CA 94063

USA

SIXTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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Stanley H. Sakai

RESIDENCE

CITIZENSHIP

10325 Menhart Lane
Cupertino, CA 95014

USA

DECLARATION AND POWER OF ATTORNEY

Attorney Docket No. 22660-0027US

SEVENTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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CHING, Jesus

RESIDENCE

CITIZENSHIP

2317 Alcalde Street
Santa Clara, California 95054

USA

EIGHTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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Kurt E. Petersen

RESIDENCE

CITIZENSHIP

3655 Valley Ridge Lane
San Jose, California 95148

USA

NINTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
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M. Allen Northrup

RESIDENCE

CITIZENSHIP

616 Vistamont Avenue
Berkeley, CA 94708

USA